GOVERNMENT OF MADRAS.

DEVELOPMENT (1950) Department

Rt. SERIES.

G.O. No. 309.

Dated 24.4.50

FOR MYSORE STATE

[Despatch Abstract.]

Textiles - Mill Cloth - Processed cloth without Tex-mark - Possession by dealers of this State Contravention of cotton Textiles control Order 1948 - Prosecution withdrawal - Government of India's letter communicated.

DEVELOPMENT (MI) DEPARTMENT.

LETTER NO. 11043. MI050.2. dated 29.3.1950.

To

The Secretary to the Govt. of India,
Ministry of Industry and Supply,
New Delhi.

Sir,

Sub: Textiles - Mill cloth - Processed cloth without tex-mark - Possession by dealers of this State - Contravention of cotton Textiles control Order 1948 - Prosecution withdrawal.

Ref; From Sri K.R. Ramayyar and Sons and Others, Mathurai dated 9.2.50.
From the Andhra Chamber of Commerce dated 17.2.50.
From the Kumbakonam cloth Merchants' Association dated 6.3.50.
From C. Palaniappa Mudlr. Cloth Merchant, Big Street, Kumbakonam.
From Tailram, Vishna Hall, Cloth Merchant, Big Street, Kumbakonam.

I am directed to forward copies of representations cited above requesting withdrawal of the prosecutions launched against them by the Central Enforcement Directorate for having in their shop processed cloth without tex-mark purchased from wholesalers in the usual course of their business.

2. The D.C.C. Madras has pointed out that the dealers are not responsible for the omission to tex-mark the processed cloth and that the dealers purchased the goods in the open market and apparently did not suspect that anything was wrong with the goods they purchased and that there is wide spread ignorance of rules among the dealers. He is therefore, of the view that it would not be fair to prosecute the dealers for mere procession of non-tex-marked processed cloth and that the better thing would be to prosecute the actual processors who processed the cloth under reference in contravention of rules so that the trouble may be stopped at the source. I am to say that this Government endorse the views of the D.C.C. and request that the Central Enforcement Directorate may be instructed to withdraw the prosecutings launched against the dealers and that the real culprits namely the processions who comitted to tex-mark the cloth may be traced and brought to book.

Yours faithfully,
R. KOTESWARARAO,
DEPUTY SECRETARY. to GOVERNMENT.

GOVERNMENT OF INDIA.
MINISTRY OF INDUSTRY AND SUPPLY.

****

No. 18(1)-Tex.1/50.

New Delhi,
17th April 1950.

To

The Secretary to the Govt. of Madras,
Development Department,
MADRAS.

Sub: Textiles - Mill cloth - Processed cloth without tex-mark - possession by dealers of this State - Contravention of Cotton Textiles Control Order, 1948 - Prosecution withdrawal.

****

Sir,

With reference to your letter No. 11043 MI/50-2 dated the 29th March 1950, on the above subject, I am directed to inform you that the Government of India have examined the matter and consider that it may not be desirable administratively to prosecute such a large body of merchants on what is essentially a technical offence, particularly because the Textile Commissioner, Bombay, of late has been extending the period during which tex-marked cloth should be sold owing to conditions prevailing in the market. The Government of India therefore, agree to withdraw the prosecutions and would request Madras Government to take necessary steps to that end. A note explaining the circumstances why the cases are being withdrawn is also enclosed which may if necessary be placed before the courts.

Yours faithfully,
(S.A. Teckchandani)

Under Secretary to the Government of India.

(True Copy)

NOTE TO BE SENT TO THE COURTS FOR WITHDRAWAL OF CASES AGAINST ABOUT 40 WHOLESALERS, PROCESSORS AND RETAILERS WHO WERE FOUND IN POSSESSION OF PROCESSED CLOTH WITHOUT A TEX-MARK.

The Central Enforcement Directorate, Government of India, has lodged prosecutions against about 40 wholesale dealers, retailers and machine and hand processors for infringing the provisions of clauses 1 and 2(1) of the Textile Commissioner, Bombay's notification No. TC(6) 1/44 dated 19th February 1944 (copy attached), for being in possession of processed cloth without Tex Mark.

2. The representatives of the Piecegoods Merchants Association discussed the question with an Officer of this Ministry and they represented as under:-

(a) they indicated ignorance of the law;

(b) they took shelter on the ground that the processors concerned were in correspondence with the Textile Commissioner, Bombay, for the past one year, but no tex marks were alloted to them till as late as February 1950;

(c) they allege that, as far as Bombay Province is concerned, the Bombay Government does not insist on Tex mark by processors.

3. None of these arguments really stand on sound ground from the legal point of view. The fact that the Bombay Govt. have given some latitude in the matter should not also legally absolve the petitioners of their criminal liability for the violation of laws framed by the Central Government in respect of Textile control.

4. On the other hand, the Govt. of India consider that for administrative reasons it is desirable that such a large body of merchants should not be prosecuted on what is essentially a technical offence. The intention in enforcing the laws relating to Tex marks is really to ensure that Tex marked cloth is sold within a period of time after it has been Tex marked, with a view to preventing hoarding of cloth. Of late, however, owing to the peculiar conditions which have been xprevailing in the market the Textile Commissioner has from time to time been extending the period during which it is essential that cloth should be sold with the result that the time barred cloth has now been alloted an extension of time. The technical offence committed by the processors therefore, xxxxx loses much of its force.

5. The Govt. of Madras also are in favour of withdrawing the prosecutions particularly on the ground that these dealers purchased the goods in the open market and did not suspect that anything was wrong with the goods and also on the plea that there is a widespread ignorance of laws among the dealers.

6. In these circumstances the Govt. of India consider that the cases be withdrawn.

GOVERNMENT OF MADRAS.

* * *

A B S T R A C T.

Subject - Textiles - Milk cloth - Processed cloth without text-mark - Possessions by dealers - contravention of cotton textiles control Order 1948 - Prosecution - withdrawal - Government of India's letter - communicated.

DEVELOPMENT DEPARTMENT.

G.O. Rt. No. 309. Dated 24th ~~August~~ April 1950.

Ref: this Govt.'s letter No. 11043MI/50-2, dated 29.3.50, to the Government of India, Ministry of Industrixx and Supply, New Delhi.

From the Government of India, Ministry of Industry and Supply, New Delhi, No. 18(1) Tex.I/50, dated 17.4.50.

*****

O R D E R.

A copy of this Government's letter to the Government of India, Ministry of Industry and supply, New Delhi and of their reply cited above is communicated to all Collectors. They are requested to take steps to with draw all prosecutions against dealers launched by their in this respect as desired by the Government of India.

(By order of H.E. the Governor)

R. Koteswara Rao,
Deputy Secretary to Govt.

To all Collectors | with
* the D.C.C. | encl.

(True Copy)

SUPERINTENDENT.

Examined & Checked 29.4.